

**Rule 5.04. Mailing Date**

LECs shall not mail bills later than the mailing date printed on the bill.

**Rule 5.05. Due Dates**

- A. If no late charge is imposed, the due date of a bill shall not be less than 14 days after the date a bill is mailed.
- B. If a late payment charge is imposed, the due date of the bill shall not be less than 22 days after the date the bill is mailed.

**Rule 5.06. Late Payment**

- A. Payment may be considered late if the LEC or its authorized agent for payment gets the payment after the LEC's close of business on the due date on the bill.
- B. If the LEC is not open on the due date, customers may pay by the close of business on the next day the LEC's business offices are open, without being late.
- C. Payment shall be considered late if a check is postdated beyond the due date or returned unpaid for reasons other than bank error.
- D. If a bank error causes a late payment, the LEC shall correct its records to show that the customer paid the bill on time.
- E. If a LEC issues a late notice or suspension notice to any customer whose payment was received by the LEC or its authorized payment agent by the LEC's close of business on the due date, the record of the late notice or suspension notice shall be deleted from the customer's account record.

**Rule 5.07. Late Payment Charges**

- A. A LEC may calculate late payment charges only on an overdue balance of a bill for telecommunications service.
- B. A late payment charge may not exceed 10 percent of the first 30 dollars of the customer's bill and 2 percent of the remainder.

- C. The amount of the late payment charge shall be set forth in the LEC's tariffed schedule of fees and charges.

**Rule 5.08. Extended Due Date Policy**

- A. LECs must offer an extended due date policy to customers qualifying under Subsection C. of this Rule. This is intended to enable LECs to change a qualifying customer's due date to coincide with or follow the customer's receipt of that income. Customers who qualify under this policy and pay by the new date will not be considered late on their payment. When a customer applies for an extended due date, LECs shall explain the policy and give the explanation to the customer in writing.
- B. Each LEC shall file an extended due date policy as a tariff. A policy must include:
- (1) Who may qualify;
  - (2) How to apply; and,
  - (3) The method for setting the extended due date.
- C. The following customers qualify for an extended due date:
- (1) Persons receiving Aid to Families with Dependent Children (AFDC), or Aid to the Aged, Blind and Disabled (AABD);
  - (2) Persons receiving Supplemental Security Income; or,
  - (3) Persons whose primary source of income is Social Security or Veterans Administration disability or retirement benefits;
- The LEC may require verification of the above sources of income.
- D. LECs may remove a customer's extended due date because the customer did not pay bills by the close of business on the due date 2 times in a row or any 3 times in the last 12 months. LECs shall notify customers in writing when the extended due date has been removed for late payment.
- E. LECs may impose a late payment charge on plan participants who do not pay by the extended due date pursuant to Rule 5.07.

**Rule 5.09. Extended Absence Payment Procedure**

- A. Each LEC shall have bill payment options which will allow a customer who is away for an extended period of time to avoid suspension of service.
- B. The options shall be filed as a tariff.

**Rule 5.10. Method of Payment**

- A. Customers may pay bills in any reasonable manner, including cash or a check payable to the LEC. A LEC may refuse to accept payment by check if the customer has given the LEC 2 checks which were returned unpaid for reasons other than bank error in the last 12 months.
- B. A LEC may refuse to take a second check for the same bill if the first check was returned unpaid for reasons other than bank error.

**Rule 5.11. Returned Check Charge**

A LEC may charge a fee for handling a check which is returned unpaid for reasons other than bank error. The amount of the returned check charge shall be set forth in the LEC's tariffed schedule of fees and charges.

**Rule 5.12. Partial Payments**

If a customer pays part of a bill for LEC service, a LEC shall first credit the payment to earlier charges for telecommunications service. This Rule does not apply when there is a disputed bill, delayed payment agreement, or other written instructions.

**Rule 5.13. Overpayments**

- A. Overpayments shall be credited to the customer's account unless the customer requests otherwise.
- B. When a customer notifies the LEC that he has overpaid his account and requests a refund of the overpayment, the LEC shall refund the amount of the overpayment within 30 days.

#### **Rule 5.14. Billing Corrections**

##### **A. Interruption and Outage**

After an interruption or outage of local service of more than 24 hours, a LEC shall refund a portion of the monthly charge for the number of days without service.

##### **B. Procedures for Correcting an Overbilling**

- (1) When a LEC has overbilled a customer, the LEC shall explain the reason for the correction and refund the amount of the overbilling within 30 days after discovering or being notified of the error.
- (2) The refund shall be credited to the customer's account unless the customer requests otherwise.
- (3) If the overbilling was the fault of the LEC, the LEC shall pay the customer interest on the overbilled amount.

##### **C. Procedures for Correcting an Underbilling**

- (1) When a LEC discovers it has charged a customer less than it should have, the LEC shall explain the error and offer a delayed payment agreement to correct it.
- (2) When a LEC underbills a customer over one or more billing periods, the LEC must allow the customer at least that many billing periods to pay the correct amount under a delayed payment agreement.
- (3) If the underbilling was the fault of the customer, the LEC may charge interest for the period of time during which the underbilling occurred.
- (4) If the underbilling was caused by unauthorized use of service or tampering with LEC's equipment, the LEC does not have to offer a delayed payment agreement.
- (5) A LEC does not have to correct an underbilling if the cost of correcting the billing is not economically feasible.

##### **D. Tampering**

If a customer tampers with LEC's equipment, the LEC may charge a reasonable amount for damage to the equipment and for estimated service taken. This is in addition to the remedies

in Rules 4.01.B.(3), 4.02.B.(1) and 6.01.F. The LEC may base the estimate on the customer's average lawful usage for the most recent 12 month period. If those figures are not available, the LEC shall base the estimate on the class average.

**Rule 5.15. Transferring Past Due Balances to Other Accounts**

A LEC may only transfer a past due balance from a customer's closed account to one of the following active accounts:

- A. An account of the same customer for the same class of service at any location.
- B. The account of the customer's guarantor as allowed under Section 4.04.B. of these Rules.

## II. LOCAL SERVICE

### SECTION 6. SUSPENSION, TERMINATION AND RECONNECTION OF SERVICE

#### Rule 6.01. Authorized Suspension

The only reasons a LEC may suspend service to an account are:

- A. A bill for the LEC's service to the current customer remains unpaid after the close of business on the last day to pay as printed on the most recent shut-off notice;
- B. A former customer remains at the premises who owes that LEC an outstanding bill for service at the premises; a full-time occupant of the premises when the bill was incurred remains at the premises; or, a full-time user of the service when the bill was incurred remains at the premises;
- C. A current customer and a former customer who lived together at another location now live together at a new service location and the former customer owes a bill for service used during the time they lived together at a former location;
- D. The customer is not in compliance with a Commission order, delayed payment agreement, or extension agreement with the LEC;
- E. The customer has not paid a deposit required for the service;
- F. Unauthorized use of service or tampering with LEC's equipment;
- G. A misrepresentation of fact relevant to the conditions under which the applicant or customer obtained or continued service;
- H. The customer has not paid a billed charge associated with providing service;
- I. Refusing to grant a LEC access to its equipment at the customer's location at reasonable times;
- J. Violating the LEC's rules designed to prevent interference with the use of service by other customers, if the customer was notified first and given a reasonable opportunity to comply with the rules;

- K. Violating the LEC's rules regarding the operation of nonstandard equipment or unauthorized attachments, if the customer was notified first and given a reasonable opportunity to comply with the rules;
- L. Violating federal, state, or local laws or regulations through use of the service;
- M. Abandoning the premises served;
- N. Causing or threatening injury to a LEC's employee or an employee's family to prevent or to retaliate for an act the LEC performs in the course of business;
- O. Causing damage to the LEC's property;
- P. Threatening to cause damage to the LEC's property;
- Q. Not paying for damage to the LEC's equipment at the service location; or
- R. A condition exists which poses a health or safety hazard.

**Rule 6.02. Unauthorized Suspension**

A LEC may not suspend service to an account for the following reasons:

- A. Not paying for non-telecommunications merchandise or non-telecommunications services purchased, rented, or leased from or through the LEC;
- B. Not paying for a different kind or different class of service;
- C. A LEC is serving the customer through a separate active account and the customer does not pay for service to that account;
- D. Another telephone customer has separate telephone service at the same location and does not pay for that service.

**Rule 6.03. Bankruptcy**

A LEC may not suspend service to a trustee or debtor in bankruptcy for failure to pay a bill incurred prior to a bankruptcy filing if

the trustee or the debtor pays a deposit under Rule 4.02.A.(7) within 20 days of the order for relief in bankruptcy. (See United States Bankruptcy Code, U.S.C.A. Title 11 § 366.)

The LEC may not suspend service during that 20 day period. If a debtor asks the LEC to reconnect service during that 20 day period, the LEC must reconnect. After the 20 day period, the LEC may suspend service if the customer has not paid a deposit.

#### **Rule 6.04. Notification of Suspension of Service**

- A. A LEC must notify a customer in writing 5 days before it suspends service. If a LEC delivers the notice to the customer's premises, the LEC must leave the notice in a conspicuous place where the notice is easy to see. If the notice is mailed, the 5 days begins 3 days after the date the notice is placed in the U.S. mail. The LEC must send the notice to the customer's last known address by first-class mail.
- B. A LEC may suspend service without prior written notice under Rule 6.01.D., F., G., N., O., P., and R. The LEC shall notify the customer of the reason for suspension by first class mail or by leaving a notice at the premises. If prior written notice of suspension has been given, Rule 6.04.B. does not apply.

#### **Rule 6.05. Shut-Off Notice - Submission Requirements**

A current copy of the form to be used for shut-off notices and any revisions to that form shall be provided to the Commission's Consumer Services Office.

#### **Rule 6.06. Third-Party Notification of Suspension**

A residential customer may name a consenting person or agency to receive a copy of all shut-off notices. A LEC shall mail 1 copy of all shut-off notices to the customer and 1 to the other person or agency.

#### **Rule 6.07. Form and Contents of Shut-Off Notice**

Each shut-off notice shall contain the following information:



- A. The title "SHUT-OFF NOTICE", "CUT-OFF NOTICE", or "DISCONNECT NOTICE" in type at least 1/4 inch high;
- B. The name and address of the customer and the telephone number to which the service is billed;
- C. The reason for suspension and any overdue amount;
- D. A clear statement of what to do to avoid suspension;
- E. The date after which the LEC will suspend service unless the customer takes appropriate action;
- F. A statement that, "YOU MAY QUALIFY TO PAY YOUR BILL IN INSTALLMENTS AND AVOID SHUT-OFF, BUT YOU MUST CONTACT THE LOCAL EXCHANGE CARRIER'S BUSINESS OFFICE BY THE CLOSE OF BUSINESS ON THE LAST DAY TO PAY PRINTED ON THIS NOTICE AND ASK FOR A DELAYED PAYMENT AGREEMENT";
- G. A statement that a residential customer who has a serious medical condition, or is 65 or older, or is handicapped may contact the LEC about qualifying for delaying suspension;
- H. What it will cost and what a customer will have to do to get service reconnected;
- I. The telephone number or address of the LEC's office where the customer may pay the bill, make payment arrangements, or make a complaint; and,
- J. A statement that any customer with an unresolved complaint may contact the Arkansas Public Service Commission. The statement shall include the Commission's mailing and street address and local and toll-free numbers.

**Rule 6.08. Payment Requirements to Prevent Suspension**

- A. A customer must pay the LEC or its authorized agent before the LEC's close of business on the last day to pay as printed on the most recent shut-off notice to prevent suspension.
- B. The LEC may require the customer to pay any applicable late charge to prevent suspension.

- C. A LEC shall not require a customer to pay for usage which has not been billed, or which has been billed but is not yet overdue, to prevent suspension.
- D. After the LEC's close of business on the last day to pay printed on the most recent shut-off notice, payment made within 24 hours of a scheduled shut-off shall not affect the right of the LEC to suspend service and charge a reconnect fee if the service was suspended.
- E. A LEC shall not refuse to accept payment made on an account after the LEC's close of business on the last day to pay printed on the most recent shut-off notice. However, a LEC is not required to reconnect service if the payment made after that time is less than the amount required by the LEC before reconnection.

#### **Rule 6.09. Suspension Procedures**

##### **Suspension Date and Time Requirements**

- A. A LEC may suspend service only during normal LEC business office hours. However, no suspension shall occur during the last hour of the LEC's normal business office hours.
- B. A LEC may not suspend service on a day, or on a day immediately before a day, when the LEC does not have employees available who may authorize and reconnect service at the normal business day charge.
- C. If a LEC issues more than 1 shut-off notice before suspending service, it may not suspend service before the close of business on the last day to pay as printed on the most recent shut-off notice unless Rule 6.04.B. applies.
- D. A LEC must suspend service within 30 days after the last day to pay, as printed on the most recent shut-off notice, unless suspension is delayed under other Commission Rules, or the reason for the suspension has been eliminated.

#### **Rule 6.10. Closing Suspended Accounts**

A LEC shall not close a suspended account until a customer has been given 7 days to have service reconnected after suspension. Once an account is closed, a LEC may treat a former customer who wants service again as an applicant.

#### **Rule 6.11. Reconnection of Service**

- A. The LEC shall reconnect service at the request of the customer if all reasons for suspension have been eliminated. The LEC shall reconnect service in the normal course of business when suspension was the fault of the customer. The LEC shall reconnect service immediately if suspension was the LEC's fault.
- B. A LEC shall not require a customer to pay for usage which has not been billed, or which has been billed but is not yet overdue, before reconnecting suspended service.
- C. A LEC may require payment of any collection, late charge, or reconnection fees before reconnecting service if suspension followed all applicable Commission Rules.
- D. If the reason for suspension is unauthorized use of service or tampering with LEC equipment, the LEC may require a reasonable payment for damage to its equipment and estimated usage before reconnecting service. The LEC may refuse to reconnect unless the Commission orders otherwise.

#### **Rule 6.12. Delayed Payment Agreement and Extension Agreement**

This rule applies to any residential customer, and to business customers whose average bill for the most recent 12 months is \$200.00 or less. As used in this Rule, the term "customer" shall mean only such customers as so defined in this paragraph.

##### **A. Customer Information**

When a customer informs the LEC that he is having difficulty paying a bill, the LEC shall explain that delayed payment agreements are available both by telephone and in person through the LEC's business offices. The LEC shall then inform the customer of his rights and obligations under this Rule.

##### **B. Extension Agreement**

If a LEC has met all of the requirements of Subsection A. and a customer requests a payment extension of less than 30 days from the payment due date, the LEC may offer to enter an extension agreement instead of a delayed payment agreement. All extensions shall be documented. The LEC shall inform the customer of the LEC's right under Rule 6.04.B. to suspend

service without advance written notice if the customer fails to keep the terms of the extension agreement.

**C. Qualifying**

A LEC does not have to enter into an extension agreement if the customer has failed to keep the terms of an extension agreement in the last twelve months.

**D. Availability of Delayed Payment Agreement**

- (1) The LEC shall offer and enter into a delayed payment agreement with a qualifying customer if the customer agrees to:
  - a. pay the down payment and all installments by the due dates; and,
  - b. pay all bills coming due during the period of the agreement in full by each bill's respective due date.
- (2) A LEC may not limit the number of delayed payment agreements a customer may enter into if the customer qualifies under all other conditions of this Rule.

**E. Qualifying**

- (1) A LEC does not have to enter into a delayed payment agreement if the customer has failed to keep the terms of a delayed payment agreement in the last 12 months. This includes failure to pay the agreed upon down payment within 3 business days.

**EXCEPTION:**

Subsection E.(1) of this Rule does not apply when a LEC corrects an underbilling. See Rule 5.14.C.

- (2) A LEC does not have to enter into a delayed payment agreement after the last day to pay, as printed on the most recent shut-off notice, has passed except when Rules 6.14 or 6.15 apply.
- (3) A LEC does not have to enter into a second delayed payment agreement if the customer currently is bound by a delayed payment agreement.

- (4) If a customer has engaged in unauthorized use of service or has tampered with the LEC's equipment in the last 24 months, the LEC does not have to enter into a delayed payment agreement.
- (5) If a customer has misrepresented a fact relevant to the conditions under which he obtained or continued service in the last 24 months, the LEC does not have to enter into a delayed payment agreement.
- (6) The LEC may require some form of identification of the customer or the person making the agreement. If the information is not provided or is not acceptable evidence of identity, the LEC may refuse to enter into a delayed payment agreement.
- (7) LECs may restrict toll calling access to the customer as part of the delayed payment agreement if the customer owes more than \$100.00 in toll charges on the bill upon which the customer requests a delayed payment agreement and any of the conditions of Rule 4.02.A. (1), (2), (3), (4) or (5) apply to that particular customer.

**EXCEPTION:**

This subsection shall not be applied if the customer can establish that toll access is needed due to a medical condition, or toll access is used to monitor a medical condition remotely. The delayed payment agreement form the LEC uses in instances when toll is proposed to be restricted must include information telling the customer about these exceptions.

**F. Delayed Payment Agreements Arranged by Telephone**

- (1) Delayed payment agreements arranged by telephone shall meet all requirements of this Rule.
- (2) The LEC may require some form of identification that can be provided by telephone to verify the customer's identity. If the information is not provided or is incorrect, the LEC may refuse to enter into a delayed payment agreement by telephone.
- (3) The LEC must receive the down payment by the close of business on the third business day after the date the agreement was requested.

- (4) A LEC shall document all delayed payment agreements arranged by telephone, including any failure to pay the down payment within 3 business days.

#### **G. Delayed Payment Agreement Procedure**

All delayed payment agreements shall be explained and will be provided in writing and must include relevant portions of this Rule, specifically, Subsections D.(1), E.(3), H., I., J., K. and L.

When a LEC arranges a delayed payment agreement by telephone, the LEC shall send or give the customer a copy of the delayed payment agreement within 5 business days of receiving the customer's down payment. A LEC may require the customer to sign the agreement and return it to the LEC within 10 days of making the agreement, but the customer's signature is not necessary for validity and enforcement of the documented agreement under this rule.

#### **H. Minimum Standards for Delayed Payment Agreements**

- (1) The LEC may not require more than 1/4 of the overdue bill as the down payment in order to enter into a delayed payment agreement.
- (2) A LEC shall allow the customer to make equal installment payments for at least 3 months from the date of the down payment. The down payment shall not be considered an installment payment.

##### **EXCEPTIONS:**

Subsections H.(1) and (2) of this Rule do not apply when a LEC corrects an underbilling. See Rule 5.14.C.(2).

- (3) In offering terms for an agreement, a LEC may take into account:
  - (a) the customer's ability to pay;
  - (b) the size of the unpaid account;
  - (c) the customer's payment history with the LEC; and,
  - (d) the reason payment is late.

**I. Renegotiating the Delayed Payment Agreement**

If a customer can substantiate a change in ability to pay resulting from a serious medical condition or the loss of a major source of income, the LEC must document its good faith effort to renegotiate a delayed payment agreement 1 time during the period of the agreement. The customer loses this right if any term of the delayed payment agreement is not kept. A renegotiated agreement is not a new delayed payment agreement.

**J. Finance Charge on Delayed Payment Agreements**

A LEC may charge interest on delayed payment agreement installments.

**K. Suspension of Service**

A LEC may suspend service without prior written notice, subject to the conditions of Rule 6.04.B., if a customer does not keep the terms of a delayed payment agreement or extension agreement.

**L. Right to Complain**

A customer does not give up any right to complain to the Commission by signing a delayed payment agreement or entering an extension agreement.

**Rule 6.13. Delayed Payment Agreement - Submission Requirements**

A current copy of the form to be used for delayed payment agreements and any revisions to that form shall be provided to the Commission's Consumer Services Office.

**Rule 6.14. Agency Guaranty of Payment**

**A. Requirements**

When a social service agency agrees orally or in writing to pay at least 1/4 of an overdue bill, the LEC shall continue service, or restore service suspended for non-payment, if the customer qualifies for and agrees to pay any remaining overdue amounts and any additional deposit under a delayed payment agreement. The agency payment shall be considered the down payment for the delayed payment agreement. The LEC may verify any notice received from any agency.

**B. Confirmation**

The LEC may require the agency to give written confirmation of a verbal agreement within 10 days of the date of the verbal agreement.

**C. Service Suspension**

If an account remains unpaid 40 days after an agency notifies a LEC, as set out in Rule 6.15.A., that they will be making a payment, the LEC may suspend service after giving the customer an additional 5 days written notice.

**Rule 6.15. Medical Need for Telecommunications Service**

**A. General Requirements**

Each LEC must honor a physician's certificate which attests to the fact that a residential customer or any other permanent resident of the household has a serious medical condition. The certificate must clearly state that the suspension of telecommunications service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

**B. Notice**

A physician, nurse, nurse practitioner, physician's assistant, or public or private agency providing physical or mental health care services may notify the LEC in person, by telephone, or by letter that the serious medical condition exists. When a LEC is notified, it must inform the health care professional that a physician's certificate is required within 7 days. The LEC may verify notice given by telephone.

**C. Delay of Suspension or Reconnection of Service**

- (1) When notified under Subsection B. of this Rule, a LEC shall postpone suspension or reconnect service which has been suspended for 30 days or less. The LEC shall not be required to continue to provide service for longer than 30 days unless the medical certificate is renewed under Rule 6.15.C.(5).
- (2) The LEC must receive a physician's certificate within 7 days after being notified according to Subsection B. of this Rule.



- (3) A LEC may suspend service if it does not receive a physician's certificate within 7 days after being notified according to Subsection B. of this Rule.
- (4) Upon receipt of a physician's certificate, the LEC shall notify the customer, in writing, of the receipt of the certificate, the date the certificate was received, the date the postponement of suspension or reconnection of service was commenced, and the date on which the postponement of suspension or reconnection shall expire. The notice shall contain an explanation of the customer's rights to renew the certificate. The notice shall specifically state the last day the customer has to renew the certificate. The notice may be delivered by first class mail or by delivery to an adult person at the residence.
- (5) A customer may renew a certificate 1 time for up to an additional 30 days. The certificate must be renewed by the customer before the 30 day time period expires. To renew a current certificate, the customer must provide a new certificate from the physician.
- (6) A LEC is not required to accept more than 1 physician's certificate per household each year. A renewal of a certificate is not a second certificate.

#### **D. Physician's Certificate**

A completed physician's certificate must be signed by a physician and must be in the following form. The LEC shall provide a copy of the physician's certificate form to the physician.

#### **PHYSICIAN'S CERTIFICATE OF MEDICAL NEED FOR LOCAL EXCHANGE CARRIER SERVICE**

The Arkansas Public Service Commission requires local exchange carriers under its jurisdiction to honor physician's certificates which attest to the fact that a customer or any permanent resident of the household has a serious medical condition. The certificate must clearly state that the suspension of telecommunications service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

A licensed physician or other health care professional providing health care services to the patient may notify the local exchange carrier of the serious medical condition. The notice must

be followed within 7 days by a certificate. The certificate is valid for up to 30 days and may be extended for one additional 30 day period by reverification by the physician or health care professional prior to the expiration date of the first certificate. This reverification requires that an additional certificate be submitted to the local exchange carrier.

You are being asked to verify that the stated condition exists. This certificate allows the customer time to secure payment for service or to make alternate arrangements for care of the patient.

Thank you for your cooperation.

To: \_\_\_\_\_  
(Name of Local Exchange Carrier)

\_\_\_\_\_  
Date

I certify that loss of telecommunications service would give rise to a substantial risk of death or gravely impair the health of \_\_\_\_\_  
who lives at \_\_\_\_\_.

The nature of the serious medical condition is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The effect of loss of telecommunications service would be \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

This condition is expected to continue \_\_\_\_\_ days.

I am licensed to practice medicine by the Arkansas State Medical Board or a comparable licensing authority in the State of \_\_\_\_\_.

\_\_\_\_\_  
Physician

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number

**E. Additional Medical Opinion**

- (1) A LEC may, at its expense, obtain an additional medical report or certificate from a physician of its choice. The additional medical report or certificate shall be based on that physician's examination of the customer.
- (2) Failure of the customer without good cause to attend the LEC-required medical appointment shall be sufficient reason for suspension of service.
- (3) If the information in the additional report or certificate does not meet the criteria in this Rule for delaying suspension, a LEC may suspend service after giving the customer an additional 5 days written notice.

**F. Liability for Payment for Service**

Delaying suspension or reconnecting service under this Rule does not excuse the customer from having to pay for the service.

**G. Contact Procedures Before Suspension of Service**

If suspension has been postponed under this Rule, and the medical certificate has expired, the LEC must follow the notification requirement of Rule 6.04.(A) prior to suspension.

**Rule 6.16. Elderly and Handicapped**

This Rule only applies to residential customers.

**A. Identification of the Elderly and Handicapped for Registration**

LECs shall attempt to identify eligible individuals by informing them that a special program is available for customers who qualify under this Rule and shall then ask qualifying applicants or customers whether they wish to be registered as provided in this Rule:

- (1) When an applicant requests service;
- (2) When asked if there are options for elderly and handicapped customers; and,
- (3) When contacted by a customer about suspension.

## **B. Customer Contact**

At least 72 hours before suspending service to an identified elderly or handicapped account, a LEC must make 2 attempts at different times of day to contact the customer, an adult at the premises, or someone previously designated by the customer, either in person or by telephone.

- (1) If the attempt to contact is successful, the LEC shall:
  - a. offer to explain to the customer, an adult at the premises, or someone previously designated by the customer, what can be done to avoid suspension; and,
  - b. offer to explain the payment and assistance options set out in Subsection C. of this Rule.
- (2) If the attempt to make personal contact with the customer, an adult at the premises, or other designated individual is not successful, the LEC must give 24 hours written notice, which explains what can be done to avoid suspension, before suspending service. If the LEC delivers the notice to the customer's premises, the notice must be left in a conspicuous place where the notice is easy to see. If the LEC mails the notice, the 24 hours begins 3 days after the date the notice is postmarked. The LEC must send the notice to the customer's address by first-class mail.

## **C. Payment and Assistance Options**

When an identified elderly or handicapped customer tells a LEC they cannot pay a bill on time, or upon contacting an identified elderly or handicapped customer under Subsection B. of this Rule, the LEC shall offer to:

- (1) Arrange a delayed payment agreement;
- (2) Explain the right to third party notice before suspension of service; and,
- (3) Provide the names of federal, state, and local bill payment assistance agencies.

## **D. Records**

A LEC shall mark the accounts of identified elderly or handicapped customers. LECs shall keep a record as required

by Rule 7.02. of how they handled overdue accounts of elderly and handicapped customers.

**E. False Information**

If a customer gives false information to qualify as elderly or handicapped, the LEC may suspend service under Rule 6.01.G.

**Rule 6.17. Stopping Service at Customer Request**

**A. Notice**

A customer who wants to stop service must tell the LEC at least 5 days before the requested disconnection date.

The minimum 5 day notice period begins:

- (1) On the day the customer telephones the LEC;
- (2) When the customer personally informs the local business office; or,
- (3) Three days after the customer has mailed the notice to the LEC.

**B. Liability**

The customer does not have to pay for basic local service after the disconnection date requested by the customer, so long as proper notice was given according to Subsection A. of this Rule.

**C. Confirmation**

A LEC must confirm the disconnection date if the customer asks.

## **II. LOCAL SERVICE**

### **SECTION 7. RECORDS AND REPORTS**

#### **Rule 7.01. Application Records**

- A.** Each LEC must keep a record of each written or verbal application for service. Records of applications must be kept for at least 2 years unless canceled or withdrawn. If an application is still active at the end of the 2 year period, it must be kept until it is served or until the application is canceled or withdrawn.
- B.** Each application record shall include:
  - (1) Name and current address of the applicant;
  - (2) Address of location where service is being re- requested;
  - (3) Date of the request;
  - (4) Date service is desired;
  - (5) Estimated service date;
  - (6) Class of service applied for;
  - (7) Availability of facilities; and,
  - (8) The date service was provided or the reason service was delayed or deferred.

#### **Rule 7.02. Account Records**

- A.** Each LEC shall keep a record of billings to and all money paid by each customer.
- B.** The record shall contain all information necessary to calculate bills, including customer name, mailing address, service location, account number, dates service was provided, billed amounts, rate schedules and payment plans, any payment arrangements, and each transaction concerning each deposit.

- C. A LEC shall mark the accounts of identified elderly and handicapped customers. LECs shall keep a record of how they handled overdue accounts of elderly and handicapped customers.
- D. LECs shall keep records so that costs and payments for separate services can be easily identified.

#### **Rule 7.03. Deposit Records**

Each LEC shall keep a record containing the following information for each customer account:

- (1) The name of the customer for whom the deposit is made;
- (2) The service location;
- (3) The deposit amount;
- (4) The deposit date;
- (5) The reason for the deposit;
- (6) Each transaction concerning each deposit; and,
- (7) All efforts to return the deposit to the customer.

#### **Rule 7.04. Complaint Records**

A LEC shall keep an up-to-date record of all customer complaints, showing the name and address of the complainant, the account number, the date and character of the complaint, action taken to resolve the complaint, and the date of resolution.

- A. LECs shall keep the record in a way that allows reporting by name, account number, telephone number; or category.
- B. Each LEC shall establish categories for all complaints which allow LECs to record complaints by specific type.
- C. The LEC shall keep complaint records at least 3 years.

#### **Rule 7.05. Test and Inspection Records**

LECs shall make a complete record of every test or inspection which these Rules require. The record shall include the time, date, place, tester, inspector, and the results. Each LEC shall keep

test and inspection records at least 2 years, or as specified in these Rules.

**Rule 7.06. Service Outage Records**

Each LEC shall keep records of all detected or documented service outages. Each record shall include the time, date, location, duration, cause, and extent of each outage. LECs shall keep the records at least 2 years.

**Rule 7.07. Location of Records**

LECs shall keep records within the State of Arkansas, at the offices of the LEC, or at locations outside the State of Arkansas authorized by the Commission. Such records shall be available at all reasonable hours for examination by the Commission, its representatives, or others authorized by the Commission.

**Rule 7.08. Retention of Records**

Records required by these Rules and orders of the Commission shall be maintained for at least the period of time designated in the most current Federal Communications Commission Rules governing preservation of records for LECs or as specifically provided for in these Rules or orders of the Commission, whichever period of time is longer. In any event, such records shall be maintained for at least 2 years.

**Rule 7.09. Construction Records and Plans**

Each LEC shall maintain copies of all construction reports and plans for a period of at least 2 years after the completion of a project. The records shall include, but not be limited to, design specifications, contracts, work orders, material placed and the associated costs.

**Rule 7.10. Trouble Report Records**

Each LEC shall maintain accurate records of trouble reports. The records shall be organized by month for each exchange service area. Each record shall be maintained for at least 2 years. At a minimum, each record shall include:



- (1) Appropriate identification of the person(s) reporting the trouble, and the specific geographic area;
- (2) Time and date of the initial report;
- (3) Description of the trouble;
- (4) Description of the trouble found by the LEC;
- (5) Action taken to clear the trouble; and,
- (6) Date and time the trouble was cleared.

#### **Rule 7.11. Maps and Associated Records**

##### **A. System Maps**

Each LEC shall maintain current maps or plans depicting plant in all service areas served by the LEC. Those maps or plans shall be in sufficient detail to enable prompt location of each line and facility owned or operated by the LEC. Each system map and its associated records shall be maintained in sufficient detail to enable the reconstruction of the system, if required.

##### **B. Changes To Maps**

Each LEC shall map and add each change, relocation, or extension of plant to existing system maps no later than 24 calendar months after the change, relocation, or extension is completed. Until such changes are posted to the system maps, either sufficiently detailed engineering drawings showing the changes or a reference to the location of the drawings shall be attached to the existing maps.

#### **Rule 7.12. Central Office Line and Terminal Records**

Each LEC shall maintain a record of the equipped (or programmed) and in service quantity of central office switching lines (or line appearance numbers (LANs) and terminals (or connectors or directory numbers)). Each LEC shall be able to provide evidence of an effective procedure to assure adequacy of central office equipment for new service applications.